

and fraudulently represented that the article was a treatment, remedy, and cure for diseases of the orificial passages, as gonorrhœa, gleet, leucorrhœa, piles, syphilis, chancroids, soft chancres, gonorrhœa, and nasal catarrh prevailing at the same time, constitutional catarrhal condition, gonorrhœa in women, acute gonorrhœa, and subacute or chronic gonorrhœa, whereas, in truth and in fact, it was not.

On December 23, 1919, no claimant having appeared for the property, a default decree of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

E. D. BALL, *Acting Secretary of Agriculture.*

7786. Misbranding of Madame Dean Suppositories. U. S. * * * v. 30 Boxes * * * Madame Dean Antiseptic Vaginal Suppositories. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 11194. I. S. No. 8328-r. S. No. C-1453.)

On September 15, 1919, the United States attorney for the Southern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 30 boxes of Madame Dean Suppositories, remaining unsold in the original unbroken packages at Cincinnati, Ohio, consigned on or about April 21, 1919, by Martin Rudy, Lancaster, Pa., and transported from the State of Pennsylvania into the State of Ohio, and charging misbranding under the Food and Drugs Act, as amended.

Analysis of a sample of the suppositories by the Bureau of Chemistry of this department showed that they consisted essentially of cacao butter containing a salt of bismuth, alum, boric acid, tannin, and a small amount of unidentified plant tissue.

Misbranding of the article was alleged in substance in the libel for the reason that the statements regarding the curative and therapeutic effects thereof, appearing on the labels and in the circular accompanying the article, falsely and fraudulently represented that the article was a treatment, remedy, and cure for the relief of leucorrhœa or whites, gonorrhœa, inflammation, congestion, ulceration, and similar female complaints, vaginitis, vulvitis, gonorrhœal inflammation, leucorrhœal discharge, and similar female complaints, whereas, in truth and in fact, it was not.

On March 10, 1920, no claimant having appeared for the property, a default decree of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

E. D. BALL, *Acting Secretary of Agriculture.*

7787. Adulteration and misbranding of cocoa. U. S. * * * v. 89 Pounds of Alleged Cocoa. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 11164. I. S. No. 6774-r. S. No. C-1445.)

On September 5, 1919, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 89 pounds of alleged cocoa, remaining unsold in the original unbroken packages at Joliet, Ill., alleging that the article had been shipped on or about March 14, 1919, by the National Cocoa Mills, New York, N. Y., and transported from the State of New York into the State of Illinois, alleging adulteration and misbranding under the Food and Drugs Act. The article was labeled in part: "My Own Pure Cocoa Net weight one-half pound" (or "one-fifth pound" as case may be) "The cocoa contained in this package is positively high grade and guaranteed by the manufacturers to comply with all Federal and State food laws. It is a breakfast cocoa of superior quality and excel-

lence. Absolutely pure. No alkalis. No chemicals" (inconspicuously stamped on side panel) "My own cocoa compound containing corn starch, cocoa, sugar."

Adulteration of the article was alleged in the libel for the reason that starch and sugar had been mixed and packed with the article so as to reduce, lower, and injuriously affect its quality and strength, and had been substituted in part for genuine cocoa, which the article purported to be. Adulteration of the article was alleged for the further reason that the said article of food was mixed in a manner whereby damage and inferiority were concealed.

Misbranding of the article was alleged for the reason that the statement "My Own Pure Cocoa" was not sufficiently corrected by the inconspicuous statement "My own cocoa compound containing corn starch, cocoa, sugar." Misbranding of the article was alleged for the further reason that the statements on the label aforesaid deceived and misled the purchaser into the belief that the article of food was pure cocoa, whereas, in truth and in fact, it was not pure cocoa, but starch and sugar had been mixed and packed with it so as to reduce, lower, and injuriously affect its quality and strength, and for the further reason that the article was an imitation of, and was offered for sale under the distinctive name of, another article, to wit, genuine cocoa.

On March 5, 1920, no claimant having appeared for the property, a default decree of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

E. D. BALL, *Acting Secretary of Agriculture.*

7788. Misbranding of Lung Vita. U. S. * * * v. 21 Large Bottles and 33 Small Bottles of Lung Vita and 15 Bottles of Lung Vita. Default decree of condemnation, forfeiture, and destruction. (F. & D. Nos. 11156, 11157. I. S. Nos. 6794-r, 6795-r. S. Nos. C-1441, C-1442.)

On October 11, 1919, the United States attorney for the Northern District of Alabama, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the condemnation and forfeiture of 21 large bottles and 33 small bottles of Lung Vita, and 15 bottles of Lung Vita, remaining unsold in the original unbroken packages at Birmingham, Ala., alleging that the article had been shipped on or about August 26, 1919, and September 2, 1919, by Nashville Medicine Co., Nashville, Tenn., and transported from the State of Tennessee into the State of Alabama, and charging misbranding under the Food and Drugs Act, as amended. The article was labeled in part: (Carton) "Lung Vita for Consumption and Bronchial Asthma * * *;" (bottle) "Lung Vita for Consumption and Bronchial Asthma * * * In cases of lung trouble * * * Lung-Vita may also be used for coughs, colds, bronchial troubles and whooping cough * * *;" (circular) "Lung-Vita * * * Consumption and Lung Troubles * * * Take your medicine regularly * * * Bronchial asthma * * * Colds, Coughs, Whooping Cough, Grip, Croup and Bronchial Troubles * * * take the medicine according to directions on the bottle, * * *."

Analysis of a sample of the product made by the Bureau of Chemistry of this department showed that it consisted essentially of kerosene, vegetable oils, sugar, glycerin, alcohol, and a small amount of plant extractives.

Misbranding of the article was alleged in substance in the libel for the reason that the foregoing statements, regarding the curative and therapeutic effects of the article, were false and fraudulent, as the article contained no ingredient or combination of ingredients capable of producing the effects claimed.

On March 22, 1920, no claimant having appeared for the property, default decree of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

E. D. BALL, *Acting Secretary of Agriculture.*